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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.
25 v.
Plaintiff,
26 GOOGLE INC.
Defendant.

Case No. CV 10-03561 WHA
**DECL. OF ROBERT T. KEELE IN
SUPPORT OF ORACLE'S MOTION
FOR RECONSIDERATION OF THE
COURT'S ORDER RE LOST
PROFITS, ECF NO. 1798**
Dept.: Courtroom 8, 19th Floor
Judge: Honorable William Alsup

1 I, Robert T. Keele, declare and state as follows:

2 1. I am a member of the bar of the State of California, admitted to practice before this
3 Court, and an associate with the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”),
4 attorneys of record for plaintiff Oracle America, Inc. (“Oracle”). I am familiar with the events,
5 pleadings and discovery in this action and, if called upon as a witness, I could and would testify
6 competently to the matters stated herein of my own personal knowledge.

7 2. I submit this declaration in support of Oracle’s Motion for Reconsideration of the
8 Court’s Order Limiting Mr. Malackowski’s Lost Profits Opinion, ECF No. 1798.

9 3. Attached hereto as Exhibit A is a true and correct copy of the relevant portions of
10 the deposition testimony of James Malackowski, Deposition Transcript 20:1-12, 275:21-276:3.

11 4. I declare under penalty of perjury under the laws of the United States that the
12 foregoing is true and correct.

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14 Executed this 23rd day of May, 2016, at San Francisco, CA.

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16 */s/ Robert T. Keele*
17 Robert T. Keele
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